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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/796,403	Applicant(s) ALLEN ET AL.	
	Examiner Meseker Takele	Art Unit 2109	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claims Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 9, 12-26, and 28-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins et al. (US Patent NO.: 6,781,575).

As to claim 1, Hawkins discloses method for providing a user interface on a cellularly communicative device (example, a user input device and communications circuitry all coupled to interoperate with one another, the handheld computer system includes a graphical user interface comprising a plurality of cellular radio telephone transceiver see, Figure 3 and column, 2 lines, 60-65) comprising the steps of:

concurrently providing on a first display screen (example, a display screen, Figure 3 (element 110)),

a first menu level providing one or more functional groupings (example, displaying a first of a plurality of action pages on the screen, menu, see, Figure 5)

and a second menu level providing one or more choices within at least one of the functional groupings (example, The Edit Entry page 700 displays the data of the speed dial record for the selected slot, see column, 8 lines, 50-55 and Figure 7)

permitting a user to advance a cursor freely across the first menu level and the second menu level to select a desired choice within the one or more choices (example,

The user is then able to employ the stylus to manipulate and interact with the displayed information by touching the digitizer pad. In one mode of operation the stylus can be used in the manner of a writing pen to enter characters and figures by drawing the stylus across the digitizer pad. In another mode of operation, the stylus and digitizer function like a computer mouse to operate and manipulate interactive elements on the display, see column, 4 lines, 36-53);

providing a dynamic key assignment for at least one key included in a device keypad on a second display screen (example, soft key 907, 92, 924, 930 as shown in Figure 9B) in response to the selection of the desired choice (example, display of the plurality of pages can be controlled by the user to enable display of a second of said plurality of action pages on the screen in response to a user input through said user input device. In response to activation of a selected one of said activatable elements by a user through said user input device, the method includes executing the actionable address assigned to the selected activatable element, see column, 2 lines, 10 -15),

wherein the dynamic key assignment is a function of the desired choice (example, several command buttons 630 for performing specific functions. These command buttons are labeled "Done", "New", "Edit" and "Delete", see Figure 6 (element 630)).

As to claims 2, 18 and 32 Hawkins discloses further comprising providing a system background display screen (example, display on a touch sensitive screen, see, Figure 3).

As to claims 3, 19 and 33 Hawkins discloses wherein the background display

screen is selectable by the user (example, the physical buttons 120 can be manipulated by the user to input information to the computer system and make selections of information presented on the display device, see column, 4 lines, 29 -35).

As to claims 4, 20 and 34 Hawkins discloses, wherein the one or more functional groupings include a functional grouping selected from the group consisting of call messaging, contacts list, obtaining device services, recent calls, and settings and tools (example, an address book application is used to store and access a list of acquaintances and contact details, Figure 8 and voice-mail and short message service (SMS), see Figure 4).

As to claims 5, 21 and 35 Hawkins discloses, wherein the step of providing a first menu level further comprises displaying one or more icons visually evocative of the one or more functional groupings (example, icon, see Figure 5 (element 535) and Figure 6 (element 620)).

As to claims 6, 22 and 36 Hawkins discloses wherein the step of providing a second menu level further comprises displaying the one or more choices arranged in a prescribed order (example, predefined arrangement, column, 2 lines, 51-60).

As to claims 7, 23 and 37 Hawkins discloses, wherein the prescribed order is a function of a previous user selection of the one or more choices (see Figure 9A and 9B).

As to claims 8, 24 and 38 Hawkins discloses wherein the prescribed order is a function of a frequency of a previous user selection of the one or more choices (example, frequently used telephone numbers or the like, frequently used Internet addresses or the like, see column, 2 lines, 43 and 50).

As to claims 9, 25 and 39 Hawkins discloses, wherein the first menu level includes a call messaging functional grouping (example, base screens, See Figure 4) and wherein the second menu level includes one or more choices selected from the group consisting of creating a message, voicemail, inbox, outbox, draft messages, e-mail messages and instant messages (example, check voice mail, check messages, dial status, etc., See Figure 4).

As to claims 12, 28 and 42 Hawkin discloses wherein the first menu level includes a contacts functional grouping and wherein the second menu level includes one or more choices selected from the group consisting of new contacts, contacts list, groups, and speed dial (example, address list, speed dial, see Figure 4, Figure 6 and Figure 7).

As to claims 13, 29 and 43 Hawkin discloses wherein the first menu level includes a recent calls functional grouping and wherein the second menu level includes one or more choices selected from the group consisting of all calls, missed calls, received calls, and numbers called (example, dial status, dial status, call history, see Figure 4).

As to claims 14, 30 and 44 wherein the first menu level includes settings and tools functional grouping and wherein the second menu level includes one or more choices selected from the group consisting of device tools, device modes, device settings, call settings, system settings, accessories, time settings, and date settings.

As to claims 15, Hawkin discloses wherein the step of providing at least a second display screen further comprises providing a plurality of display screens (example, a second display, see Figure 7 and Figure 9A and 9B).

As to claims 16, Hawkin discloses wherein the step of providing at least a second display screen further comprises displaying a plurality of dynamic key assignments (example, existing speed dial system allows the user utilize letters or numbers associated with keys on the telephone keypad, see Figure 5 (element 540), Figure 9A and B).

As to claim 17, Hawkin discloses a user interface for a cellularly communicative electronic device having a system processor, a display screen, and a keypad including a plurality of keys, (example, handheld computer system including a processor, a screen display, a user input device and communications circuitry all coupled to interoperate with one another, see column, keys in 2 lines, 60-66 and column, 5 line, 59) comprising:

a first display screen (example, a display screen, Figure 3 (element 120)) including a first menu level providing one or more functional groupings (example, displaying a first of a plurality of action pages on the screen, menu, see, Figure 5) and a concurrently displayed second menu level providing one or more choices within at least one of the functional groupings (example, The Edit Entry page 700 displays the data of the speed dial record for the selected slot, see column, 8 lines, 50-55 and Figure 7)

a cursor position able about the display (example, user tapping the stylus on the digitizer pad at the virtual button location, see Figure 9A and 9B);

an interface manager executing in the system processor, the interface manager configured to permit movement of the cursor across the first menu level and the second menu level to allow the user to select a desired choice within the one or more choices (a graphical user interface comprising a plurality of action pages for display on the screen, each action page having a plurality of activatable screen elements in a predetermined arrangement with each screen element, see column, 2 lines, 65-67 and see Figure 5)

at least a second display screen provided in response to the selection of the desired choice (example, includes displaying a first of a plurality of action pages on the screen, each action page having a plurality of activatable elements in a predefined arrangement, each activatable element having an assigned correspondence with a user defined label displayed with the activatable element and a user defined actionable address, see column, 2 lines, 7-10);

and in the second display screen displaying a dynamic key assignment for at least one of the plurality of keys, wherein the dynamic key assignment is a function of the desired choice (example, display of the plurality of pages can be controlled by the user to enable display of a second of said plurality of action pages on the screen in response to a user input through said user input device. In response to activation of a selected one of said activatable elements by a user through said user input device, the method includes executing the actionable address assigned to the selected activatable element, see column, 2 lines, 10 -15).



As to claim 31, Hawkin discloses a cellularly communicative electronic device having a display screen and a keypad including a plurality of keys (example, handheld computer system, a screen display, a user input device and communications circuitry all coupled to interoperate with one another, keys on the telephone keypad, see column, 2 lines, 60-66 and column, 5 line, 59), comprising: a user interface displayable on the display screen to a user (see Figure 5); a processor programmed to implement a first process thread (it is inherent Windows OS application runs inside a process and a process has one or more threads of execution (whenever is other function is called it starts another sequence of code instructions),

the first thread presenting to the user over the user interface a first display screen (example, displaying a first of a plurality of action pages on the screen, display screen, see, column 2, lines 5 -7, Figure 3 and Figure 6) including a concurrently displayed first menu level providing one or more functional groupings and a second menu level providing one or more choices within at least one of the functional groupings (see Figure 6 and Figure 7),

the processor further programmed to implement a second process thread, (example, second of said plurality of action pages on the screen in response to a user input through said user input device, see column, 2 lines, 13-16 and Figure 7), the second thread permitting a user to freely advance a cursor across the first menu level and the second menu level to select a desired choice within the one or more choices (example, the user is then able to employ the stylus to manipulate and interact with the displayed information by touching the digitizer pad. In one mode of operation the stylus

can be used in the manner of a writing pen to enter characters and figures by drawing the stylus across the digitizer pad. In another mode of operation, the stylus and digitizer function like a computer mouse to operate and manipulate interactive elements on the display, see column, 4 lines, 36-53),

and the processor further programmed to implement a third process thread in response to the selection of the desired choice (example, Figure 8),

the third thread presenting to the user over the user interface a second display screen including a dynamic key assignment for at least one of the plurality of keys, wherein the dynamic key assignment is a function of the desired choice (example, existing speed dial system allows the user utilize letters or numbers associated with keys on the telephone keypad, see Figure 5 (element 540), Figure 9A and B).

As to claim 45 Hawkin discloses a cellularly communicative electronic device having a display screen, a keypad including a plurality of keys, and a system processor (example, handheld computer system including a processor, a screen display, a user input device and communications circuitry all coupled to interoperate with one another, keys on the telephone keypad, see column, 2 lines, 60-66 and column, 5 line, 59), comprising:

a user interface displayable to a user on the display screen (example, a display screen, Figure 3 (element 120) and Figure 5); means for concurrently providing on a first display screen (example, a display screen, Figure 3 (element 120)),

a first menu level providing one or more functional groupings (example, displaying a first of a plurality of action pages on the screen, menu, see, Figure 5) and a second menu

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level providing one or more choices within at least one of the functional groupings (example, The Edit Entry page 700 displays the data of the speed dial record for the selected slot, see column, 8 lines, 50-55 and Figure 7);

means for permitting the user to advance a cursor freely across the first menu level and the second menu level to select a desired choice within the one or more choices (example, user tapping the stylus on the digitizer pad at the virtual button location, select, see Figure 9A and 9B and Figure 8 (element 830)); and means for providing a dynamic key assignment for at least one key included in a device keypad in response to the selection of the desired choice, wherein the dynamic key assignment is a function of the desired choice (see Figure 6, Figure 7, Figure 8 and Figure 9).

### ***Claims Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 - 11, 26 - 27 and 40 - 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US Patent NO.: 6,781,575) as applied to claims 1, 17 and 31 above, and further in view of Banker et al. (US Patent No.: 5,477,262).

As to claims 10, 26 and 40 Hawkins does not disclose wherein the first menu level includes a device services functional grouping and wherein the second menu level includes a for-pay service choice. Banker from the same field of endeavor discloses

wherein the first menu level includes a device services functional grouping and wherein the second menu level includes a for-pay service choice (example, pay-per-view feature in a subscription television terminal, see Figure 6F). It would have been obvious to have modified Hawkin's method and apparatus for organizing addressing element at the time of the invention with pay-per-view feature in a subscription television terminal as presented by Banker. The motivation to combine the two references will help a subscriber to purchase premium event programming immediately and without having to advise the system operator.

As to claims 11, 27 and 41 Banker discloses wherein the first menu level includes a device services functional grouping (example, a subscription television terminal, see Figure 6F)

and wherein the second menu level includes one or more choices selected from the group consisting of receiving music, receiving games, receiving pictures, receiving movies, receiving news, and receiving information. It is obvious that for-pay service can have choice for receiving music, receiving games, receiving pictures, receiving movies, receiving news, and receiving information (example, event 5432, see Figure 13A 9element 32b).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. US Patent No.: 6,084,951 is cited to teach a directory with graphical icons representing characteristics of the entries for a communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-2100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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